

REMARKS

In response to the Office Action dated January 14, 2008, claims 2-3, 9-10, 12 and 15-16 are amended, claim 1 has been cancelled without prejudice. Claims 2-16 are now active in this application. No new matter has been added. Claims 3, 15, and 16 are independent.

As a preliminary matter, Applicants note that the Office Action Summary, form PTOL-326, does not acknowledge the Applicants' claim to foreign priority, and that all certified copies of the priority documents were received. A claim of priority and the certified copy was filed with the application on July 10, 2003. Thus, Applicants request that the next Office Action check the box 12), the box a), and the box 1. on the form PTOL-326 (or equivalent boxes on a Notice of Allowability form), in order to clarify the written record by fully acknowledging Applicants' priority claim.

Claims 1-3, 9-13, 15, and 16 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Robinett et al. (U.S. Patent 6,351,464). Applicants submit that this rejection is moot with respect to cancelled claim 1. Applicants traverse this rejection with respect to claims 2, 3, 9-13, 15, and 16.

Claims 4-8, and 14 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Robinett, apparently in view of Official Notice of interrupting and pausing low priority tasks.

Independent claim 3, as amended, recites, in part:

an asynchronous input/output interface for inputting/outputting from/to the external device, timestamped data having a timestamp added thereto that are transferred asynchronously with the display timing;

an asynchronous transfer data recording portion for recording the timestamped data that are input via the asynchronous input/output interface in the recording medium; and

an asynchronous transfer data reproducing portion for reading timestamped data from the recording medium, in order to output the timestamped data via the asynchronous input/output interface,
wherein synchronous transfer is performed with higher preference than asynchronous transfer.

As is well known, anticipation under 35 U.S.C. § 102 requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed Cir. 1987). The elements must be arranged as required by the claim. *In re Bond*, 910 F. 2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). At a minimum, the cited prior art reference does not disclose (expressly or inherently) or suggest the above recited highlighted (bolded) element.

The Office Action, at page 5, asserts that Robinett, at column 41, lines 3-6, allegedly discloses synchronous transfer performed with higher preference than asynchronous transfer.

However, this section of Robinett merely states, “connection queues with descriptors pointing to transport packets containing bursty data with no specific continuity, propagation delay or bit rate requirement, are assigned the lowest priority.” Thus, Robinett is directed to connection queues being prioritized based upon bursty data with no specific continuity.

Additionally, Robinett, at column 40, lines 65-67, merely states, “preferably, program data receive from outside the remultiplexer node (e.g., via a receipt adaptor 110 or an interface 140 or 150) assigned the highest priority.” However, as shown in FIG. 2 of Robinett, the interface 140 is an asynchronous transfer interface. Robinett does not teach or suggest assigning priority on the basis of the synchronous transfer or asynchronous transfer. Indeed, in view of the foregoing statement in Robinett, the reference arguably teaches away from the subject matter set forth in claim 3.

In contrast to Robinett, claim 3 distinguishes between synchronous transfer and asynchronous transfer, and performs synchronous transfer with higher preference than asynchronous transfer.

Thus, Applicants submit that claim 3 is not anticipated by Robinett. Further, the other cited prior art does not remedy the deficiencies of Robinett. For example, the Office Action, at page 11, takes Official Notice that “interrupting and pausing a low priority tasks [sic] to perform high priority tasks, or delaying a low priority task while a high priority task is being performed is notoriously well known, and based on common sense [which] would provide the user with high priority data before low priority data.”

However, neither Robinett nor the Official Notice teach or suggest prioritizing transfer with respect to whether it is synchronous or asynchronous, and therefore do not teach or suggest that “synchronous transfer is performed with higher preference than asynchronous transfer,” as recited by claim 3.

Under Federal Circuit guidelines, a dependent claim is allowable if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

Thus, as independent claim 3 is allowable for the reasons set forth above, it is respectfully submitted that dependent claims 2 and 4-14 are allowable for at least the same reasons.

Similar to independent claim 3, independent claims 15 and 16 each recite, “synchronous transfer is performed with higher preference than asynchronous transfer.”

Thus, Applicants submit that independent claims 15 and 16 are allowable for at least the same reasons as independent claim 3.

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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